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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,551	12/27/2001	Aaron M. Tsirkel	P11087X	7517

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EXAMINER	
CONNOLLY, MARK A	

ART UNIT	PAPER NUMBER
2115	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No.	Applicant(s)	
	10/033,551	TSIRKEL ET AL.	
	Examin r	Art Unit	
	Mark Connolly	2115	

-- The MAILING DATE of this communication appears on th cov r sh et with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 have been presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quibodeaux[1] US Pat No 6034602 in view of Powell US Pat No 6618042.

5. Referring to claim 1, Quibodeaux teaches the apparatus comprising:

a. a sensor [col. 2 lines 16-18].

b. a display, power to which is to be decreased in response to a detection of absence of a user by the sensor [col. 2 lines 16-26].

Although Quibodeaux teaches decreasing power, it is not explicitly taught that the power decrease is due to dimming the brightness level. Rather Quibodeaux explicitly teaches shutting down the display. Powell explicitly teaches that power can be saved through dimming the brightness level of a display [col. 1 lines 50-64, col. 2 lines 23-26 and col. 8 lines 15-23]. It would have been obvious to include the dimming feature taught be Powell in the Quibodeaux

[1] As cited in the previous Office Action.

system because Powell explicitly teaches that powering down a display effects the performance of the system since the user has to wait for the display to turn back on and by dimming the brightness of the display, performance would not be affected.

6. Referring to claim 2, it is obvious that the brightness would be increased in the Quibodeaux-Powell system because Quibodeaux teaches that the power is to be increased in response to a detection of presence of a user by the sensor thus necessitating an increase in brightness [col. 2 lines 16-26].

7. Referring to claims 3 and 4, Quibodeaux teaches that the power is to be decreased in response to expiration of a timeout value [col. 2 lines 14-23].

8. Referring to claim 5, Quibodeaux teaches that the sensor is an infrared sensor [col. 2 lines 1-2].

9. Referring to claims 7-11, these are rejected on the same basis as set forth hereinabove. Quibodeaux and Powell teach the system and therefore teach the method performed by the system.

10. Referring to claim 12, Quibodeaux teaches that enabling power to be decreased includes coupling a controller to the sensor, the controller to receive a signal from the sensor and to control power to the display [fig. 3].

11. Referring to claims 13-16, these are rejected on the same basis as set forth hereinabove. Quibodeaux and Powell teach the method and therefore teach the machine readable medium including machine readable instructions performing the method.

12. Referring to claim 17, Quibodeaux teaches that the display is powered off [col. 2 lines 16-23].

13. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miura[2] US Pat No 6518561 in view of Powell US Pat No 6618042.

14. Referring to claim 1, Miura teaches the system comprising:

c. a sensor [abstract].

d. a display, power to which is to be decreased in response to a detection of absence of a user by the sensor [col. 2 lines 52-58].

Although Miura teaches decreasing power, it is not explicitly taught that the power decrease is due to dimming the brightness level. Rather Miura explicitly teaches suspending the display. Suspending the display is interpreted as powering down the display. Powell explicitly teaches that power can be saved through dimming the brightness level of a display [col. 1 lines 50-64, col. 2 lines 23-26 and col. 8 lines 15-23]. It would have been obvious to include the dimming feature taught be Powell in the Miura system because Powell explicitly teaches that powering down a display effects the performance of the system since the user has to wait for the display to turn back on and by dimming the brightness of the display, performance would not be affected.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miura and Powell as applied to claim 1 above, and further in view of Janutka et al[3] [Janutka] US Pat No 6173233.

16. Referring to claim 6, although Miura teaches detecting the presence of a user through the use of a sensor, it is not explicitly teach that the sensor is an acoustic sensor. Janutka teaches

[2] As cited in the previous Office Action.

that sonic sensors can be used to detect the presence of an object [col. 1 lines 45-47]. A sonic sensor is interpreted as an acoustic sensor. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the sensor in the Miura system with an acoustic sensor because the acoustic can be used to detect the presence of a user and Miura explicitly teaches that other sensors can be used in the system [col. 7 lines 19-23].

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

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[3] As cited in the previous Office Action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Connolly
Examiner
Art Unit 2115

mc
January 25, 2005

THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100